

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL TILLMAN  
Plaintiff, Pro-Se

JOHN PAUL SMITH  
Plaintiff, Pro-Se

DONALD F. BLIZZARD, SR.  
Plaintiff, Pro-Se

V.

JOHNSON DIVERSEY, INC.  
[Incorrectly identified as “Johnson  
Diversay, Inc.]  
Defendant.

DOCKET NO: 04-CV-40107-GAO

**MOTION OF THE DEFENDANT JOHNSON DIVERSEY, INC.,  
FOR ENTRY OF AN ORDER OF DISMISSAL AS TO  
PLAINTIFF DONALD F. BLIZZARD, SR., ONLY**

The defendant, JohnsonDiversey, Inc., (incorrectly identified as “Johnson Diversay, Inc.”) (herein “JDI”) pursuant to Fed. R. Civ. P. Rule 58, moves for entry of an Order of Dismissal against plaintiff Donald F. Blizzard, only, because the Blizzard claim has been resolved as between the parties. A copy of the Settlement Agreement is attached as Exhibit “A”, and a proposed Order is attached as Exhibit “B”.

Wherefore, the defendant, JohnsonDiversey, Inc., moves for entry of an Order of

Dismissal against plaintiff Donald F. Blizzard, only

Respectfully Submitted,  
The defendant,  
JOHNSON DIVERSEY, INC.  
By its attorneys,

/s/ Lee Stephen MacPhee  
Lee Stephen MacPhee, BBO #312400  
MORRISON MAHONEY LLP  
250 Summer Street  
Boston, MA 02210-1181  
(617) 430-7500

**L.R. D. MASS. 7.1(A)(2) CERTIFICATION**

I, Lee Stephen MacPhee, Esquire, counsel for the moving defendant, hereby certify that pursuant to L. R. D. Mass. 7.1(A)(2), I have attempted to confer in good faith with the *pro se* plaintiffs to resolve or narrow the issues presented by the within Motion, and have thus far been unsuccessful.

/s/ Lee Stephen MacPhee  
Lee Stephen MacPhee, Esq.